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Paper No. 9

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OCT 23 2003

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

In re Application of:  
Wu et al.  
Application No. 09/327,178

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: DECISION ON PETITION TO  
: WITHDRAW HOLDING OF  
: ABANDONMENT  
:  
:

Filed: June 7, 1999  
For: METHOD OF DIGITAL FM  
DEMODULATOR

This is a decision in response to the communication filed September 5, 2003, which is being treated as a petition to withdraw holding of abandonment of the above identified application.

The application became abandoned when no response to the Non-responsive letter mailed 9/6/02 was received. No Notice of Abandonment was mailed.

Petitioner alleges to have timely filed a response to the Office communication mailed 9/6/02. In support, Petitioner has provided a copy of the date-stamped post card acknowledging receipt of applicant's "Resubmission of amendment originally faxed on July 15, 2002" in the U.S. Patent and Trademark Office on September 11, 2002.

The original papers filed were not matched with the file and cannot be located. However, M.P.E.P. 503 states, "a postcard receipt which itemizes and properly identifies the papers which are being filed serves as **prima facie** evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that a response to the Notice of Non-responsive letter was timely filed in the Patent and Trademark Office but not matched with the application file.

Accordingly, the petition is **GRANTED**.

The holding of abandonment is withdrawn. The application file will be forwarded to the Technology Center's Technical Support Staff for entry of the copy of the response filed by applicant. The file will then be forwarded to the examiner for appropriate action in due course.

  
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